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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,310	07/31/2003	Gerhard Allen Dage	199.1375	1891

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EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,310	Applicant(s) DAGE ET AL.	
	Examiner John K. Ford	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/3/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/25/03 + 11/06/03</u> | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 3753

Applicant has re-filed this application with the apparatus claims from the parent application, and apparently one new apparatus claim (claim 12).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Andersen et al.

Andersen discloses multiple sensors related to the multiple zones as well as push-buttons 21-26 (col. 4, lines 41-46).

Temperature and air flow into the multiple zones are controlled. See col. 2, line 5 – col. 3, line 8, incorporated here by reference. A controller 39 is connected to these sensors and switches and controls the heater, cooler and blower as disclosed in col. 4, lines 47 – col. 5, line 8. See also, Fig. 5, incorporated here by reference for further details related to the details of the control schemes (which are not described using words in the specification) for the various components enumerated above.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Adasek (4,794,537) and any one of Andersen et al, Davis Jr et al. '994 or Dage '133.

Adasek disclose a right-zone and left-zone and a two rear-zone system controlled by a computer. Blend functions for each of the zones are computed as disclosed in Figures 4-12, in an algorithm at least as sophisticated as what applicants' have disclosed. While Adasek uses slide setters for temperature and air flow rate (at 182, 184, 186 and 188) the use of push-buttons to perform these same functions is taught by Andersen and the prior art to Davis Jr. et al (USP 5,579,994) or Dage (USP 5,833,133), in which one of the current inventors (Mr. Dage), is a named inventor. With regard to the USP '133 prior art disclosed in col. 1, lines 23-30 of that document, counsel stated: "Mr. Dage has informed Counsel for Applicants that the EATC controller controlled a single zone and used linear interpretation to compute the actuator control signals for the zone." (May 15, 2003 communication in parent file SN 09/587,428).

In view of anyone of Andersen, Davis '994 or Dage '133, it would have been obvious to have used push buttons and a display in place of slide setters 182, 184, 186 and 188 of Adasek to give the system the necessary appearance that meets customer expectations in "high end" automobiles.

Regarding claim 4, Dage'133 teaches the conventional position feedback potentiometer 62 for the air blend door. To have provided one of these for each of the

air-mix doors in Adasek to permit proper positioning of each air blend door would have been obvious.

Regarding claim 8, Dage '133 teaches a conventional display in the prior art disclosed in col. 1, lines 23-28. To have used one of these to give the system the necessary appearance that meets customer expectations in "high end" automobiles would have been obvious.

Regarding any claims that recite "blending", it appears, at Ford Motor Company, that "blending" is a well known method of combining individual strategies into an overall strategy as evidenced by the paragraph spanning cols. 5-6 of Davis '994, incorporated here by reference. To have blended strategies in Adasek to advantageously improve adaption to customer wants would have been obvious.

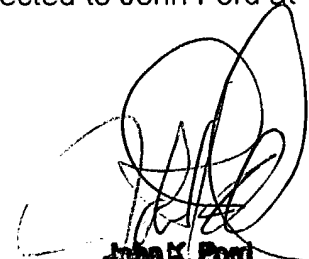
Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art as applied to claim 1 above, and further in view of Kato et al. USP 5,553,775.

To have used plural solar sensors to sense insolation in the right and left hand portions of the vehicle of Adasek to improve occupant contact would have been obvious to one of ordinary skill in the art.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.

Ford/DI

May 3, 2004



John K. Ford
Primary Examiner